

1906-032 Chancery Causes: Emily Tritt to vs. J. Major Lucas to
Lee Co.

Brown, Jeff

CA-Estate Dispute
T-Property

To the Honorable W.T. Miller, Judge of the Circuit Court for Lee County, Virginia:

Humbly complaining, your oratrices, Emily Tritt and Julia A. Brown, and your orator James M. Lucas, will respectfully show to your honor that on the _____ day of _____ 1890, one John Lucas, *and the father of your oratrices & orator,* a citizen of said county, departed this life, having first made and published his last will and testament, which said will was afterwards duly admitted to probate in the Circuit Court of Lee County, a copy of the said will is here filed as part hereof marked "A". By an inspection of this will it will be seen that among other things said testator devised to his son J. Maj. Lucas one hundred and thirteen acres of his home tract of land, and he bequeathed to your oratrix, Emily Tritt, and to her sister, Jane Neff, each, the sum of Nine hundred dollars. These sums the said testator required his son, the said J. Maj. Lucas, to pay in consideration of the large and valuable devise made to him in land as aforesaid. By a further provision of said will the said J. Maj. Lucas was given five years time in which to pay said bequests. But he was enjoined to pay them as soon after the death of the ^{said} ~~he~~ testator as he could do so, and he was further required to turn over each year to the said Jane Neff and your ^{Emily Tritt,} oratrix, the rents and profits of a tract of land owned by him, the said J. Maj. Lucas, situated near Mulberry Gap, in Hancock County, Tennessee. These rents were intended in lieu of interest on said bequests aforesaid. Your orator and oratrices will now show your honor that the said Jane Neff departed this life ^{intestate and without issue} before the death of said testator, her father, and before said bequest became vested in her, and that thus said legacy lapsed and the amount thereof became a part of the estate of the said decedent and ~~the said~~ divisible among all the heirs of the said decedent. Your orator and oratrices will now show your honor that, at the time of his death, the said John Lucas left surviving him a widow, Martha Lucas, and the following children, to wit, the said J. Major Lucas, your orator, James M. Lucas, and your oratrices, the said Emily Tritt and Julia A. Brown.

Your orator and oratrices will now show your honor that dower has been assigned out of the real estate owned by the said John Lucas, at the time of his death, to his widow, the said Martha Lucas. They will further show your honor that although the five years in which the said J. Major Lucas was given to pay said bequest have passed, yet that he has not paid ^{the same} ~~one dollar thereof~~. Nor has he turned over to anybody the rents and profits of said Mulberry Gap tract of land or any part thereof, except the sum of \$26.00 paid to the said Emily Tritt on said rent for the year 1890, and on the ____ day of January 1895 he paid to your oratrix, the said Emily Tritt, the sum of \$200.00 on said legacy.

Your orator and oratrices are advised that the Nine hundred dollars intended for the benefit of Jane Neff should now be divided equally among the said James M. Lucas, Emily Tritt, Julia A. Brown and J. Major Lucas. They are further advised that they are entitled to interest on said sums from the time of the death of the said John Lucas, ^{the said J. Major Lucas} ~~he~~ having failed to turn over the rents and profits as he was required to do by the terms of said will, ~~he~~ having possessed himself of all the advantages given him by said will, and elected to keep the rents of said lands to himself.

Your orator and oratrices are further advised that the said Martha Lucas will not be entitled to any part of said nine hundred ^{dollars} and its interest, intended for Jane Neff, because she has been assigned dower out of the lands devised to the said J. Maj. Lucas. ~~and to the said James M. Lucas~~

Your orator and oratrices are advised that these two sums of nine hundred dollars each are liens upon the land described in said will, and devised to the said J. Maj. Lucas, but if mistaken in this, then they will show your honor that they have filed and had recorded a memorandum of this suit, its objects, the persons to be affected thereby and the lands sought to be held responsible for said sums, which they are advised gives them a lien upon said land even should it be held that said will does not. *Said Memorandum is here filed as part hereof marked B*

Now the object of this bill is to collect from said J. Maj. Lucas for your oratrix, Emily Tritt, the sum of Nine hundred

dollars with legal interest thereon from the ____ day of August 1890, until payment, subject to a credit of \$26.00 as of the 1st day of January 1891, and \$200.00 January 1st 1895, and to collect and have properly divided the Nine hundred dollars due by the said J.Maj.Lucas to all the heirs of the said John Lucas which said Nine hundred dollars was originally intended for the said Jane Neff, and to collect interest thereon from the date of the death of said testator till payment. And if mistaken in being entitled to interest on said sum, then they ask for an account of the rents and profits of the Mulberry ^{Gap} tract of land, and ^{that} said J.Maj.Lucas be required to account for the same which rents and profits ~~are~~ ^{they aver} are reasonably worth the sum of \$103.80 per annum. And being without adequate remedy at law, they pray your honor's court of chancery to take cognizance of their cause and grant them the proper relief. And to this end they make J.Major Lucas and Martha Lucas, parties defendant to this bill and ^{pray that} ^{may} they each of them be required to answer each and every allegation thereof, but they need not do so under oath, that being waived, and that upon a final hearing the said J.Maj.Lucas be required to pay the ^u ~~sums~~ ^{sum} herein above mentioned to those entitled thereto, together with the interest thereon, or in lieu of interest the reasonable rents and profits of said Mulberry Gap tract of land. They pray for all necessary accounts, and for full general relief.

Prudence Sewell
Lucas & Hyatt
Blankenship & Ewing
P. Q.

Chancery Court

Emily Fritt et al

vs. $\frac{1}{2}$ Bill.

J May Lucas et al

Filed Oct the 9th 1895

A B Munsey
Clerk

Emely Litt it also

or

J. M. Lucas.

This cause is stricken from
the docket with leave to reinstate on
motion after sufficient notice.

Family Trillulids
no.
J. M. Lucas

Entered in C.O.B.
#8, page 200

Examined this specimen

Sept 18th 1906
H. A. W. Sherrin

Emily Litt

vs.

J M Lucens. et al

It being admitted
that all the matters and things
involved this suit have been set
tled by the parties interested, among
themselves in the country, this cause
is stricken from the docket.

Emi ly Trätt,et als.

Plaintiffs.

vs.

In Chancery.

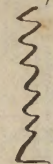
J.Maj.Lucas et als.

Defendants.

This cause came on this day to be heard upon the bill of the complainants and exhibites filed therewith, and was argued by counsel. And it appearing to the court that process has been served upon the two defendants and the cause regularly matured and set for hearing, by consent of parties it is adjudged ordered and decreed that the plaintiff~~s~~, Emily Tritt, recover of J.Maj.Lucas the sum of one thousand and twenty four dollâars with legal interest thereon from August 19th 1895 till paid, subject to a credit of \$212.00 paid on the 6th day of November 1895; that James M.Lucas recover of the said J.Maj.Lucas the sum of two hundred~~x~~ and fifty dollars with interest thereon from the 19th day of August 1895 till paid, subject to a credit of two hundrâd and twenty-five dollars as of said 19th day of August 1895; that Julia A.Brown recover of said defendant J.Maj.Lucas the sum of two hundred and fifty dollars with legal interest thereon from the 19th day of August 1895 till paid, subject to a credit of two hundred and twentyfive dollars as of said 19th day of August 1895. And it is further adjudged ordered and decreed that said sums herein above decreed be and they hereby are by the consent of the defendant J.Maj.Lucas declared to be a specific lien upon the tract of land devised by John Lucas to the said J.Maj .Lucas, and by consent of parties the payments to the said Emily Tritt are to be made as follows, to wit: \$88.00 by December 1st 1895, \$300.00 by March 1st 1896, \$250.00 by June 1st 1896, and the balance by September 1st 1896, and by like consent of parties it is adjudged ordered and decreed that J.Maj Luca s pay the costs of this suit, except an Attorneys fee which is released. And it is further adjudged ordered and decreed that unless the said J.Maj.Lucas pay all sums hereinabove decreed to be paid byhim on or by the first day of September 1896, then *L. J. Hyatt* ~~R. C. Sewell~~, who is appointed a commissioner ~~xx~~ for the purpose wi ll sell the said 115 acre tract of land or enough thereof to pay sai d several sums or so much thereof as shall then remain

unpaid. Said sale shall be made at the front door of the Court house on a credit of 6, 12, & 18 months except a sum sufficient to pay costs of suit and commissions of sale which must be paid down. Said commissioner will take bonds payable to himself as commissioner with good security for the deferred payments. Before making sale said commissioner will advertise the time, terms and place of sale for at least 30 days by posting written notices thereof on the Courthouse door, and at two or more other public places, one of which shall be in the neighborhood of the land. Before acting under this decree said commissioner will give bond before the Clerk of this court in the sum of \$1000.00 conditioned to faithfully perform his duties as commissioner and to account and pay over all sums received by him as such. He will report his action to court and this cause is continued.

Emily Tritt et als.

vs.  Decree.

J. Maj. Lucas et als.

Q. B. P. 312

Enter this decree
November 15th 1895,
W. L. M.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU, That you summon

*J Maj Lucas and
Martha Lucas*

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held
for the said Court on the *1st* Monday in *October*, 189*8*, to answer a
bill in Chancery, exhibited against *them* in our said court by

*Emily Lritt Julia A Brown and
James M Lucas*

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-
house, the *20th* day of *September* 189*8*, and in the
1*20th* year of the Commonwealth.

A B Munsey Clerk.

315-6
74

Sept 24

Emily Lritt et al's
SUPCENA
vs. } IN CHANCERY.
J Maj Lucas et al

Predmon & Sewplg.

To/pt Oct Rules,
Circuit Court.

Executed in part
by delivering a true
copy of the within sum-
mons to J. Maj Lucas
on the 20th day of
Sept 1895.

W. R. Cook
Deputy Sheriff

for
Wm. P. Weston S.L.C.

Further Executed Sept 24-
1895, by delivering an office
Copy of the within summons to
Maj Lucas, J. M. Weston D.C.
for Wm. P. Weston S.L.C.

Emily Litt et als.
vs. $\frac{3}{2}$ Chauncy.

J. Maj. Lucas et als

Pridemore & Sewell
Duncan & Syatt
Blaukenship & Sewing
P. Q.

Jas. W. Orr.
B. H. Sewell, p. d.

1895-1st October rules bill.
filed, Spa 24 executed & Decree
Nisi

" 2nd Oct rules Decree Nisi
Confirmed & Cause set for
hearing by Plaintiff